

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

**LINDA ALLARD**, on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

**SCI DIRECT, INC. d/b/a NEPTUNE  
SOCIETY,**

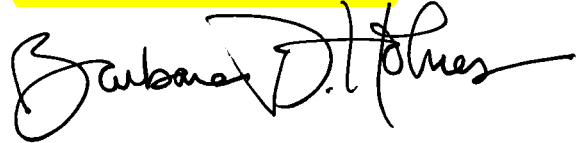
Defendant.

CIVIL CASE NO: 16-1033

JUDGE SHARP

MAGISTRATE JUDGE HOLMES

Motion, DE19, is GRANTED.



**Motion for Leave to File an Amended Class Action Complaint and Memorandum in  
Support**

Plaintiff Linda Allard hereby moves this Honorable Court for an Order granting Plaintiff's Motion for Leave to Amend the Complaint. The proposed Amended Complaint is attached hereto as Exhibit A.

Per the scheduling order Judge Holmes entered on September 2, 2016, Motions for Leave to Amend are due by November 18, 2016. Plaintiff's counsel has conferred with Defendant's counsel regarding the proposed amended complaint. Defendant's counsel declined to stipulate to its filing, but stated that he would not oppose.

Fed. R. Civ. P. Rule 15 provides that "leave to amend should be freely given." Fed. R. Civ. P. 15(a); *see also Brooks v. Celeste*, 39 F.3d 125, 130 (6th Cir. 1994). Reasons for denying such a motion include "[u]ndue delay in filing, lack of notice to the opposing party, bad faith by the moving party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendment." *Brooks*, 39 F.3d at 130. None of these circumstances are present here. There has been no undue delay as this motion is filed prior to the deadline set forth in the scheduling order. Plaintiff provided notice to Defendant, which stated it would not oppose. There is no conceivable bad faith. This is the first amendment, and it is not in an attempt to cure any deficiencies (instead, it is amending a theory of liability based on information uncovered in discovery). There is no undue prejudice to Defendant, as Defendant was